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Ramirez, Everado Contreras, Annabel Cauntay and  
10 Michael S. Evans

11  
12 IN THE UNITED STATES DISTRICT COURT  
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
14 SAN FRANCISCO DIVISION

15 **KEVIN BURTON,**

16 Plaintiff,

17 v.

18 **CALIFORNIA DEPARTMENT OF**  
19 **CORRECTIONS AND REHABILITATION, et al.**

20 Defendants.

CASE NO. C 07-4967 PJH

**DECLARATION OF SCOTT  
J. FEUDALE IN SUPPORT OF  
DEFENDANTS' EX PARTE  
REQUEST FOR AN  
EXTENSION OF TIME TO  
FILE DISPOSITIVE MOTION**

21  
22 I, SCOTT J. FEUDALE declare:

23 1. I am a Deputy Attorney General in the California Attorney General's Office, counsel of  
24 record for Defendants Krenke, Ramirez, Contreras, Cauntay, and Evans (Defendants) in this  
25 matter. I am competent to testify to the matters set forth in this declaration, and if called upon to  
26 do so, I would and could so testify. I submit this declaration in support of Defendants' request  
27 for an extension of time to file their summary-judgment motion or other dispositive motion.

28 2. According to the Court's June 6, 2008 Order of Service, the last day for Defendants to

Decl. Feudale Supp. Ex. Parte Req. Ext. Time

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1 file a motion for summary judgment or other dispositive motion is sixty days from the date of  
2 service. Defendants were served with a copy of Plaintiff's complaint and summons by mail from  
3 the U.S. Marshal's Service on July 3, 2008. Thus, Defendants' dispositive motion is due on  
4 September 2, 2008.

5 3. Based on the following, Defendants respectfully request a 60-day extension of time up  
6 to and including November 3, 2008, to file a summary-judgment motion or other dispositive  
7 motion:

8 a. This case was assigned to me on July 16, 2008. Between that date and today, I  
9 have been managing a busy caseload. During July 2008, I filed a reply briefs in *Padilla v. Evans*,  
10 United States District Court, Northern District of California, Case No. 06-1725 and *Liebb v.*  
11 *Daly*, United States District Court, Northern District of California, Case No. 04-0950, and filed a  
12 motion to dismiss in *Roby v. Stewart*, Case no. 08-1113. During August, I have filed a demurrer  
13 in *Fosselman v. Nicholson*, Monterey County Superior Court, Case No. M91265; filed an  
14 opposition to a request for a case management conference in *Lira v. Director of Corrections, et*  
15 *al.*, United States District Court, Northern District of California, Case No. 00-0905; filed an  
16 opposition to a motion for a temporary restraining order and preliminary injunction in *Quillar v.*  
17 *Zepeda*, United States District Court, Eastern District of California, Case No. 06-02394; and  
18 visited Salinas Valley State Prison to meet with my clients in this case.

19 b. On July 17, 2008, my office requested relevant documents from the prison in  
20 connection with this case. I have reviewed most of these documents and on the basis of that  
21 review, have requested additional documents. Those additional documents have not yet been  
22 received.


23 c. Furthermore, to my best knowledge, Plaintiff has not yet served Defendants  
24 Bruncato, O'Kenno, Carrasco, Silva, Philmon, Wilson, Horrence, Perez, Garcia, Graywald,  
25 Goodhume, Garcia, Zielger, and Moss. Once these Defendants are served and request  
26 representation by the Attorney General's Office, I will need time to consult with my clients as  
27 well as review documents relevant to their defense. Accordingly, I believe that the filing of a  
28 dispositive motion is premature at this time.

1 4. Because Plaintiff is currently incarcerated, he cannot easily be contacted for an  
2 extension of time.

3 5. No previous extension of time has been sought regarding the filing of Defendants'  
4 summary-judgment motion or other dispositive motion. This request is not made for the purpose  
5 of harassment or undue delay or for any improper reason.

6 I declare under penalty of perjury that the forgoing is true and correct to the best of my  
7 knowledge.

8  
9 Executed on August 28, 2008, at San Francisco, California.

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12 Scott J. Feudale  
13 Deputy Attorney General

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